

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELLIOTT CALDER SMITH,

Defendant.

CASE NO. MJ08-127

DETENTION ORDER

Offense charged:

Possession of Cocaine Base with Intent to Distribute (5 grams or more)

Date of Detention Hearing: 05/27/08

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant has been charged by complaint with a drug offense which carries a mandatory minimum sentence of five years, and a maximum of 40 years. Because there has been no indictment or probable cause hearing, the rebuttable presumption favoring detention does not yet apply. But the sworn facts presented in support of the complaint strongly suggest defendant is a significant danger to others and the community. Those facts indicate he has been actively involved in dealing significant quantities of various controlled substances. This is consistent with his prior record.
- (2) Defendant presents a significant flight risk. He is facing very significant penalties if convicted. In addition, in the past he has escaped or attempted to evade arrest, and has a conviction for obstruction. He has failed on numerous occasions to comply with his state court supervision and to follow the directions of his supervising officer.
- (3) Defendant also admits a history of use of marijuana, and sporadic use of other controlled substances, as well as alcohol.
- (4) He has no significant employment history.
- (5) The complaint presents facts which indicate he made a significant threat to the person and safety of a witness in this case.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

- 1 (3) On order of a court of the United States or on request of an attorney for the
2 Government, the person in charge of the corrections facility in which defendant is
3 confined shall deliver the defendant to a United States Marshal for the purpose of an
4 appearance in connection with a court proceeding; and
- 5 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
6 for the defendant, to the United States Marshal, and to the United States Pretrial
7 Services Officer.

8 DATED this 27th day of May, 2008.

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11 JOHN L. WEINBERG
12 United States Magistrate Judge
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